

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 5, 7, and 8 are pending in this case. Claim 5 is amended to incorporate the subject matter of Claim 6, and Claim 6 is canceled by the present amendment. Thus, no new matter is added.

In the outstanding Office Action, Claim 5 was rejected under 35 U.S.C. § 102(e) as anticipated by Kishigami, et al. (U.S. Pub. No. 2003/0228887, herein “Kishigami”); Claim 6 was rejected under 35 U.S.C. § 103(a) as unpatentable over Kishigami in view of Ustuner, et al. (U.S. Pub. No. 2005/0033165, herein “Ustuner”); and Claims 7 and 8 were indicated as allowable.

Applicant gratefully acknowledges the indication of allowability for Claims 7 and 8.

Applicant and Applicant’s representative thank Examiner Jama for the courtesy of an interview with Applicant’s representative on September 12, 2008. The discussion during that interview is substantially repeated herein.

Applicant traverses the rejection of Claim 6 with regard to amended Claim 5 because the subject matter of Claim 6 is incorporated into amended Claim 5.

The outstanding Office Action asserts that Kishigami teaches every element of Claim 5 except “a major lobe in a certain direction and a grating lobe in a direction 180 degrees opposite to the certain direction,” which it asserts Ustuner as teaching.

In this case, the issue of the propriety of modifying Kishigami with Ustuner, as proposed, is not even reached, because Ustuner does not, in fact, cure the deficiencies of Kishigami that are conceded to at page 4 of the outstanding Office Action. Thus, even in combination, Kishigami and Ustuner do not teach or suggest all the elements of amended Claim 5.

Ustuner does recite the term “180 degrees” at paragraph [0040], however, the context is a description of adjusting the phase of data representing the virtual element interpolated from data for two actual elements by, for example, 180 degrees, to suppress grating lobe clutter. That discussion makes no reference to the direction of a main lobe. As clearly stated at the Abstract of Ustuner and the summary at paragraphs [0006]-[0009], Ustuner is directed to adaptive grating lobe suppression by altering processing of an ultrasound signal based on grating lobe level or reducing the level of grating lobe energy received. However, Ustuner does not teach or suggest processing to generate a grating lobe in a direction 180 degrees from the direction of the main lobe.

Because Kishigami is conceded by the outstanding Office Action not to teach or suggest every element of Claim 6, which is incorporated into Claim 5, and because Kishigami and Ustuner, even in combination, do not teach or suggest all the elements of amended Claim 5, as discussed above, Applicant respectfully requests that the rejection of Claim 5 under 35 U.S.C. § 102(e) be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

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